



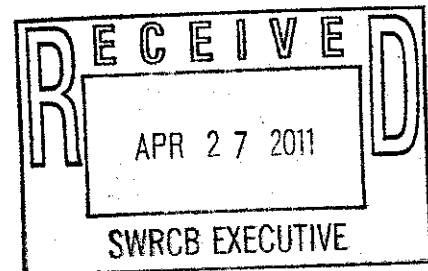
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April 26, 2011

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814



VIA E-MAIL

RE: Comments and Recommendations Regarding the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. NPDES No. CAS000001

Dear State Water Resources Control Board Members:

Sempra Utilities (Southern California Gas Company and San Diego Gas and Electric Company) provides essential public services to over 20 million consumers and utility rate payers in a total service area of over 25,000 square miles. In addition to providing essential public services to the communities that they serve, we also provide services to governmental agencies and other entities, which in turn, provide other essential public services such as fire protection, law enforcement, and emergency care (e.g., hospitals).

Sempra Utilities has nine facilities with coverage under the General Industrial Storm Water Permit ("IGP"). These facilities include gas storage fields, Treatment, Storage, and Disposal Facilities, and a Steam Electric Generating facility. The proposed IGP would impose significant new requirements upon these facilities that would inhibit our ability to operate in a cost effective manner and keep utility rates in the state at a competitive level.

While we support the State Water Resources Control Board staff ("staff") in developing an IGP that protects the beneficial uses of our state's water resources, we believe that the current IGP draft falls far short of that mission. Our comments and recommendations in this letter will demonstrate inconsistencies with the guidance set forth by the U.S. Environmental Protection Agency ("EPA") and the State Water Resources Control Board's (SWRCB) own Blue Ribbon Panel, leading to a draft that is overly prescriptive and burdensome. This level of regulation is unnecessary and will significantly increase costs at each of our covered facilities *without* a commensurate increase in water quality protection.

Summary of Sempra Utilities' Major Concerns and Comments

1. Inclusion of Numeric Effluent Limitations is Not Appropriate at this Time - Sempra Utilities does not support the proposed implementation of Numeric Effluent Limits (NELs) based on the US EPA's Multi-Sector General Permit benchmark values. The imposition of these benchmarks as NELs in this permit is inappropriate considering EPA's Multi-Sector General Permit (Part 6.2.1) states that "...benchmark concentrations are not effluent limitations; a benchmark exceedence,

6. Compliance and Design Storm Events Need to Be Tailored to Conditions Present at Industrial Facilities - Reasonable compliance/design storms need to be included in the permit. According to staff, the 10-year, 24 hour storm event is based on what treatment companies indicated was achievable on construction projects. This is not a good basis for built out industrial facilities where large scale storm water retention options (e.g., retention ponds) are not available, the imperviousness nature of the sites will generate significantly larger amounts of rainfall to collect and store and the potential types of pollutants to treat may require batch treatment rather than flow through treatment technologies. The compliance/design storm event criteria should be revised to a smaller storm such as the 2-year, 24-hour storm that is used by municipal storm water permittees to size post-construction best management practices.

Our more detailed comments are presented in the attached table.

Sempra Utilities welcomes the opportunity to provide you and staff with these comments, which we hope that the staff will consider when developing the next draft IGP. We also look forward to staff's response to these and all of the other comments put forth by the stakeholders.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amara Rasly".

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Fact Sheet	p. 7./II. A. 2.	<p>General Permit Conditions/Effluent Limitations</p> <p>"In the event that a discharger arrives at Corrective Action Level 3, the NAL(s) which trigger this corrective action level becomes a technology-based numeric effluent limitation (NEL). This is due to the fact that each NAL in this General Permit reflects the technology needed to reduce the pollutant to either BAT or BCT, respectively. It is the best professional judgment (BPJ) of the State Water Board staff that dischargers employing BAT and BCT can reduce the pollutants in their storm water effluent to achieve concentrations at or below the NALs."</p> <p>In general, EPA's process to develop technology based effluent limits includes a number of steps to characterize the target waste streams, identify the currently available control measures to remove the identified pollutants and evaluate their treatment efficiencies, and determine those control measures that are feasible (including economic) for use within the particular industry and their resulting effluent quality. This result of this process is a numerical effluent limit. This permit proposes to conduct this process in reverse. It first establishes numerical values to be used as effluent limits based upon benchmark values from EPA's Multi-Sector General Permit which EPA asserts are not intended to be used as numerical effluent limits. Secondly, it declares them to be Best Available Technology Economically Achievable (BAT)/ Best Conventional Pollutant Control Technology (BCT) or "BAT/BCT" without undergoing the required analysis. The permit does not identify control measures; either best management practices (BMPs) or treatment technologies that can be used to achieve the proposed BAT/BCT requirements. In fact, the SWRCB's BRP Report¹ states in the discussion of municipal BMPs that, with few exceptions, "Even for conventional pollutants, there presently is no protocol that enables an engineer to design with certainty a BMP that will produce a desired outflow concentration for a constituent of concern." (p.6.) This is a fundamental flaw in this permit and the proposed NELs need to be deleted from the permit.</p>
Fact Sheet	p. 9./II.A.3.	<p>Receiving Water Limitations.</p> <p>"The dischargers shall implement the changes identified in the updated SWPPP. [D]ischargers shall revise the SWPPP and implement the appropriate BMPs in a timely manner but no later than 90 days after a determination that the SWPPP is in violation of any General Permit requirement."</p>

¹ "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities," June 19, 2006.

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		<p>are, the type and location of sweeping equipment, how and where swept materials should be handled and disposed, etc. Similarly, a discharger's training program must identify who must receive training, what type of training to provide, how often training needs to be provided, and include a method to track whether the appropriate personnel have received the training.</p> <p>This requirement is too restrictive and opens facilities to violations by legally binding them to follow BMP descriptions precisely. The level of specificity required does not allow for flexibility in technological changes, personnel changes, or logistical issues. The information required to describe each BMP should be general enough as to not require routine SWPPP revisions which are administratively burdensome without benefits to water quality. If a SWPPP amendment is required, certain "levels" of changes should not require immediate re-certification of the SWPPP, but may be indicated by a revision log. In addition, job functions rather than specific employees should be indicated due to potential personnel changes.</p>
Fact Sheet	p. 22/F.3.1.	<p>Monitoring Program.</p> <p>"Visually monitor the facility before every anticipated storm event to locate and manage obvious pollutant sources."</p> <p>Monitoring prior to every anticipated storm event regardless of how likely it is of producing precipitation would impact existing personnel resources that would have to conduct inspections rather than other normal tasks, thereby increasing costs to the dischargers without a commensurate benefit to water quality.</p> <p>One does not "anticipate" something that is less likely than not to occur and expressing a probability of rain as less than 50 percent means the National Weather Service "anticipates" that it will probably not rain. This provision needs to state that the term "anticipated" means a storm event with more than a 50 percent chance of rain by the National Weather Service.</p>
Fact Sheet	p.36/ Figure 3	<p>Summary of Monitoring Activities Required by This General Permit.</p> <p>This draft permit requires quarterly inspections, an Annual Comprehensive Evaluation, monthly storm water visual observations (October – May), documentation of non-discharging storm events, drainage area inspections, and storm water storage and containment area inspections. Additionally, the new minimum BMP requirements include a weekly outdoor inspection of areas associated with industrial activity, a weekly inspection of equipment, and a daily inspection of any</p>

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		“...to obtain coverage under this General Permit in accordance with the procedures specified in EPA's regulations.” (Emphasis added.)
Permit	p.6/ Findings I.C.34-35.	Activities Not Covered Under the General Permit. These findings are not related to “Activities Not Covered Under the General Permit” and should be put under a separate heading.
Permit	p.6/ I.D.37.	Discharge Prohibitions. “...Measures to control spills, leakage, and dumping, must be addressed through structural as well as non-structural Best Management Practices (Bumps)”. This limits the ability of dischargers to use ONLY non-structural BMPs to control spills, leakage and dumping, even though in certain situations this may be effective. This sentence should be revised to read: “Measures to control spills, leakage, and dumping, must be addressed through structural and/or non-structural Best Management Practices (BMPs).”
Permit	p.6-7/I.E.39.	Numeric Action Levels (NALs) and Numeric Effluent Limitations (NELs). In referencing the BRP Report, staff states that... “The panel concluded that <i>numeric limits or action levels are technically feasible to control industrial storm water discharges, provided that certain conditions are considered.</i> The panel's final report concluded that it would be possible to determine numeric effluent limitations for industrial storm water discharges, but noted various reasons why such a determination would be problematic at that time. The <i>State Water Board</i> has evaluated the expert panel's suggestions for this General Permit, and <i>has included Numeric Action Levels (NALs) for all storm water discharges and a tiered compliance strategy that imposes NELs for facilities with recurring NAL trigger exceedances.</i> ” (Emphasis added.) The Panel's report actually states: “The Panel believes that Numeric Limits are feasible for some industrial categories.” (P. 19) And it goes on to state that when TMDLs are not involved: “...the Numeric Limits should be based upon sound and established practices for storm water pollution prevention and treatment, using an approach analogous to that used in the

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Permit	p.8/ I.G.51.	<p>Training.</p> <p>"The Professional Engineers Act (Bus. & Prof. Code Section 6700, et seq.) requires that all engineering work must be performed by a California registered professional civil engineer."</p> <p>There are multiple registrations (e.g., civil, mechanical, electrical, etc.) that engineers may obtain depending on their field of expertise. This finding incorrectly assumes that all engineering work must be conducted by a <u>civil</u> engineer and should be deleted.</p>
Permit	p.8-9/ I.I.55. & 56.	<p>Sampling, Monitoring, Reporting and Record Keeping.</p> <p>Finding 55 states that Federal regulations do not require storm water sampling or periodic visual monitoring to be included in storm water permits, with the exception of annual monitoring at facilities listed in Subchapter N. Finding 56 further states that the "...General Permit contains additional monitoring requirements..."</p> <p>This draft permit requires quarterly inspections, an Annual Comprehensive Evaluation, monthly storm water visual observations (October –May), documentation of non-discharging storm events, drainage area inspections, and storm water storage and containment area inspections. Additionally, the new minimum BMP requirements include a weekly outdoor inspection of areas associated with industrial activity, a weekly inspection of equipment, and a daily inspection of any outdoor material/waste handling equipment or containers.</p> <p>Compliance with the conditions of the multitude of inspection requirements poses to be logistically difficult, confusing, and operationally burdensome. Furthermore, the mere increase of the required number of inspections in itself does not improve storm water quality. The acreage of some facilities makes the number and frequencies specified in the permit impractical. It is recommended that all inspection requirements be streamlined into a standardized monthly inspection to cover storm water and non-storm water discharges, stored materials, and all industrial activities in lieu of the currently proposed requirements.</p>
Permit	p.11/ II.P.4.	<p>Obtaining Permit Coverage for Industrial Facilities – General.</p> <p>"Failure to obtain coverage under this General Permit for storm water discharges to waters of the United States is a violation of the CWA and the California Water Code."</p> <p>This condition should be revised to clarify that it applies to "...discharges associated with</p>

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Permit	p.15/V.D.	<p>Effluent Limitations.</p> <p>"Dischargers in Corrective Action Level 3 (Section XVII.D) are subject to a numeric effluent limitation (NEL) that will be the same numeric value as the applicable pollutant NAL. A daily average exceedance of the NEL is a violation of this General Permit and may subject the discharger to mandatory minimum penalties."</p> <p>EPA's benchmark levels are inappropriate to use as numeric effluent limits because: 1) EPA's benchmarks were not established to be used as effluent limits; 2) staff has not conducted the appropriate analysis to establish that the benchmarks are BAT/BCT; and 3) NELs should be set at concentrations higher than benchmarks that are normally set at a lower level than effluent limits to trigger an investigation prior to an unwanted event (i.e., the effluent reaching the level of the effluent limit). NELs are not appropriate for this permit and this condition should be deleted.</p>
Permit	p.15/ V.E.	<p>Compliance Storm Event.</p> <p>"This General Permit establishes a 10-year, 24-hour storm (expressed in inches of rainfall) Compliance Storm Event for Total Suspended Solids..."</p> <p>The 10-year, 24-hour storm event is based on what treatment companies indicated was achievable on construction projects. This is not a good basis for built out industrial facilities where large scale stormwater retention options (e.g., retention ponds) are not available, the imperviousness nature of the sites will generate significantly larger amounts of rainfall to collect and store and the potential types of pollutants to treat may require batch treatment rather than flow through treatment technologies. This should be revised to a smaller storm such as the 2-year, 24-hour storm that is used by municipal storm water permittees to size post construction best management practices.</p> <p><i>This comment is also applicable to other similarly written conditions in the Fact Sheet and/or Order including, but not limited to, p.18/ VIII.C.3; p.25/ VIII.H.1.g.iv.</i></p>
Permit	p.15/VI.B.	<p>Receiving Water Limitations.</p> <p>"The discharger shall ensure that storm water discharges and authorized non-storm water discharges to any surface or ground water do not adversely affect human health or the environment."</p> <p>This condition should be revised to delete references to ground water since this is solely a</p>

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		None of the four listed registrations or certifications inherently possesses industrial process and process chemical knowledge. A short training course in industrial process and industrial pollutant chemistry is not sufficient. Also, while many of the individuals with these registrations may have project management expertise, it may not be industrially related. We propose that the QSD criteria be broadened to include other qualifications (for example, academically trained Chemical Engineers, Environmental Engineers, Industrial Engineers, and Industrial Chemists, all with industrial experience, and Civil Engineers and Hydrologists with demonstrated coursework in chemistry and industrial experience).
Permit	p.16/VII.B.2.	<p>Qualified SWPPP Developer.</p> <p>"The discharger shall ensure that the QSD successfully completes the State Water Board-sponsored or approved QSD training course within one year of the effective date of the General Permit."</p> <p>This requirement implies that to be a QSD, in addition to other minimum requirements, one must successfully complete the State Water Board-sponsored or approved QSD training course and this must be accomplished in one year from the effective date of the permit. The discharger is responsible to retain an approved QSD. The QSD, not the discharger, is responsible to ensure that they complete the specified training course. Also, since training availability may not be available until sometime after the permit is adopted, the training should not be required until at least one year after the training course becomes available.</p> <p>This condition should be revised to clarify that QSDs must successfully complete the State Water Board-sponsored or approved QSD training course within one year of the <i>availability of the training</i>.</p>
Permit	p.16/ VII.B.2.a.	<p>Qualified SWPPP Developer.</p> <p>"The discharger shall ensure that the QSD signs the SWPPP and each amendment or revision."</p> <p>The permit needs to define what constitutes a "revision" and an "amendment" and what changes, if any, can be signed by the QSP.</p>

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Permit	p.18/ VIII.D.2.a.	<p>Planning and Organization.</p> <p>"Dischargers shall include the following items in the SWPPP:</p> <p>a. The names and titles of "specific individuals or the positions within the facility organization" (team members) that assist the QSD/QSP to implement the SWPPP and conducting all monitoring requirements required in Section IX."</p> <p>To provide more flexibility, it is recommended that this section be revised to name positions, not names.</p>
Permit	p.18/ VIII.D.2.c.	<p>Planning and Organization.</p> <p>"Dischargers shall include the following items in the SWPPP:</p> <p>c. The procedures that shall be implemented to identify alternate team members to implement the SWPPP and monitoring requirements when the regularly assigned team members are temporarily unavailable (due to vacation, illness, out of town business, etc.)."</p> <p>It is unclear why there needs to be a "procedure" for identifying backup personnel. The backup positions should just be identified in the SWPPP.</p>
Permit	p.19/VIII.E.1.	<p>Facility Map.</p> <p>"...Dischargers shall include the following information on the facility map: ...and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's storm water discharges and authorized non-storm water discharges."</p> <p>This condition should be revised to make it clear that the location of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets can be described, rather than shown on the map, if it is not feasible to include them on the map.</p>
Permit	p.20/ VIII.F.	<p>List of Significant Materials.</p> <p>"Dischargers shall prepare a list of significant materials handled and stored at the facility and shall describe the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency."</p>

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Permit	p.22/VIII.H.	<p>Best Management Practices (BMPs).</p> <p>"Dischargers shall implement all minimum BMPs in Section VIII.H.1 and identify, describe and implement appropriate facility-specific BMPs as required in Section VIII.H.2, which will reduce or prevent pollutants in storm water discharges to achieve compliance with BAT/BCT and with WQSs."</p> <p>Staff has not yet developed numerical criteria that represent BAT/BCT so it would not be possible to meet this condition. Also, it is not clear what this condition means by "...achieve...compliance with WQSs". This needs to be clarified that it means that the discharge does not cause or contribute to an exceedance of a WQS.</p>
Permit	p.23/VIII. H.1.a.i.	<p>Minimum BMPs/Good Housekeeping.</p> <p>"Inspect weekly all outdoor areas associated with industrial activity..."</p> <p>An additional inspection required by this permit makes the requirements of the permit confusing and hard to comply with. It is recommended that streamlining all the inspection requirements be re-evaluated by the SWRCB. One solution maybe to require an all encompassing "once per month" inspection that covers ALL inspections and visual requirements and a requirement for proper housekeeping at all times.</p>
Permit	p.23/VIII. H.1.a.iv.	<p>Minimum BMPs/Good Housekeeping.</p> <p>"Cover all stored industrial materials that can be readily mobilized by contact with storm water."</p> <p>This condition should be revised to clarify that it does not apply to materials that are designed to be outdoors and exposed to environmental conditions.</p>
Permit	p.23-24/VIII.H.1.b.ii.	<p>Minimum BMPs/Preventative Maintenance.</p> <p>"Identify all equipment and systems used outdoors that may spill or leak pollutants."</p> <p>Compliance with the conditions of the multitude of inspection requirements poses to be logistically difficult, confusing, and operationally burdensome. Furthermore, the mere increase of the required number of inspections in itself does not improve storm water quality. The acreage of some facilities makes the number and frequencies specified in the permit impractical. It is</p>

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Permit	p.25/VIII.H.1.f.i.	<p>Minimum BMPs/Record Keeping and Quality Assurance.</p> <p>"Dischargers shall keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual monitoring, visual inspections, etc. for five years."</p> <p>The permit needs to clarify the difference between "visual monitoring" and "visual inspections".</p>
Permit	p.25/VIII.H.1.g.	<p>Minimum BMPs/Erosion and Sediment Controls.</p> <p>"For each facility location identified in Section XIII.G.6, dischargers shall..."</p> <p>This condition should be revised to clarify that it does not apply to areas that have permit coverage under the SWRCB's Order 2009-0009-DWQ (Stormwater Construction General Permit).</p>
Permit	p.26/ VIII.H.1.g.vii.	<p>Minimum BMPs/Visual Inspections.</p> <p>"For each facility location identified in Section XIII.G.6, dischargers shall...Maintain erosion/sediment controls to achieve optimal performance during storm events."</p> <p>The standard of "optimal" is too subjective. This BMP should be revised to require equipment to be maintained in accordance with their instructions and/or good operating practices.</p>
Permit	p.26/VIII.H.2.	<p>Minimum BMPs/Visual Inspections.</p> <p>"The BMPs listed in VIII.H.1 are the minimum BMPs that are required for all facilities. Based upon the potential pollutant source assessment required in Section VIII.G, dischargers shall identify and implement additional facility-specific BMPs necessary to reduce or prevent pollutants in storm water discharges to achieve compliance with BAT/BCT and with water quality standards."</p> <p>Additional BMPs should only be required "as necessary" to minimize or reduce pollutants.</p> <p>Staff has not yet developed numerical criteria that represent BAT/BCT so it would not be possible to meet this condition. Also, it is not clear what this condition means by "...achieve...compliance with WQSS". This needs to be clarified that it means that the discharge does not cause or</p>

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		Also, this section should provide an example that further clarifies how days with less than 1/8 inch of precipitation do not count towards a qualifying storm event (e.g., there are ten consecutive days of rainfall with less of 1/8 inch of precipitation on each day (e.g., 1/16 of an inch per day), this is not a qualifying storm event because, although there is a total of 5/8 inch of precipitation, each day is preceded by two days with less than 1/8 of inch of rainfall).
Permit	p.29/IX.C.4.	<p>Storm Water Dischargers Visual Monitoring.</p> <p>"Prior to any anticipated storm event, dischargers shall visual observe any storm water storage and containment areas to detect leaks, contamination, and ensure maintenance of adequate freeboard?"</p> <p>The term "anticipated storm event" needs to be defined to mean a storm event with more than a 50 percent chance of rain by the National Weather Service.</p>
Permit	p.30/IX.C.5.	<p>Storm Water Discharge Visual Monitoring.</p> <p>"Prior to completing each monthly visual observation required in Subsection C.1, dischargers shall record any storm events that occurred of less than 1/4 inch or more than 1/4 inch but that did not produce a discharge."</p> <p>There is no justifiable reason for requiring a record of storm events that do not produce a discharge. It is recommended that this requirement be deleted.</p>
Permit	p.30/IX.C.6.	<p>Storm Water Discharges Visual Monitoring.</p> <p>"Prior to anticipated storm events, discharges shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate BMPs. Pre-storm visual monitoring are only required during scheduled facility hours."</p> <p>It is unclear what constitutes an anticipated storm event. This first sentence should be clarified to indicate an anticipated qualifying storm event. Even so, this will require each permitted facility (many dischargers have multiple facilities covered by the general Permit) to attempt to track and document meteorological forecasts in off hours in order to predict an anticipated qualifying storm event. An additional inspection requirement along with other visual requirements will make the</p>

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		<p>dry weather. Dry weather shall be defined as two consecutive days (48 hours) of combined rainfall of less than 1/8 inch as measured by an on-site rainfall measurement device."</p> <p>The definition of a qualifying storm event needs to clarify whether the precipitation on the two preceding days of less than 1/8 inch of precipitation (e.g., 1/16 of an inch per day) is counted towards the 1/8 inch total accumulation to determine if it is a qualified storm event.</p> <p>Also, this section should provide an example that further clarifies how days with less than 1/8 inch of precipitation do not count towards a qualifying storm event (e.g., there are ten consecutive days of rainfall with less of 1/8 inch of precipitation on each day (e.g., 1/16 of an inch per day), this is not a qualifying storm event because, although there is a total of 5/8 inch of precipitation, each day is preceded by two days with less than 1/8 of inch of rainfall).</p>
Permit	p. 31/X.F.	<p>Sampling & Analysis Requirements.</p> <p>"A discharger shall collect samples from all storm water drainage areas within four hours after a qualified storm event has been determined . This only applies during scheduled facility operating hours." (emphasis added.)</p> <p>"³ For example, a discharger leaves the facility Friday at close of business and less than 1/8 of an inch of precipitation was measured within the previous 48 hours. If the discharger comes back to the facility on Monday, and over 1/4 of an inch of rain has occurred over the weekend, then the storm event meets the requirements in this Section, and the discharger must sample within 4 hours on that Monday."</p> <p>If it has rained over the weekend but stopped before Monday, it is possible that the stormwater is no longer occurring so that no samples can be obtained. Alternately, if discharges are still occurring, there is no reason to limit the time to obtain the samples on Monday to four hours. The requirement to sample within four hours appears to be arbitrary and should be eliminated.</p>
Permit	p. 31/ X.G.	<p>Sampling & Analysis Requirements.</p> <p>"All discharge locations that discharge storm water associated with industrial activity shall be sampled..."</p> <p>The current permit allows facility operators that determine that the industrial activities and BMPs</p>

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Permit	p. 34/ XI. Table 4	Sampling Analysis & Reporting. Total Cyanide is missing from this table and should be added to the table.
Permit	p. 34/ XI. Table 4	Sampling Analysis & Reporting. Table should allow any test procedures under 40 CFR Part 136.
Permit	p. 37/ XIV.A-D	Facilities Subject to Federal Storm Water Effluent Limitation Guidelines. <p>"Dischargers with facilities subject to federal storm water effluent limitation guidelines, in addition to the requirements in Section IX and X, shall: ..."</p> <p>This condition establishes certain sampling (A.) and analysis (B., C. & D) requirements for facilities that are subject to federal storm water effluent limitation guidelines. In some cases, a facility in an industry category that has federal effluent limitation guidelines (ELG) specifically for storm water runoff may not actually be subject to those specific ELGs because the facility does not have the specific industrial activity for which the storm water ELG has been established. For instance, the Steam Electric Power Generating Point Source Category contains an ELG for "coal pile runoff" resulting from rainfall. However, most Steam Electric Plants in California do not have coal piles and therefore would not be subject to this ELG. This section should be revised to clarify that facilities without the specific industrial activity to which storm water ELG applies, are not subject to the requirements of the section.</p>
Permit	pp. 38/ XVI.A.- B.	Sampling and Analysis Reduction. <p>Sections A. and B. specify criteria for obtaining a reduction in sampling and analysis requirements. Rather than a reduction in sampling and analysis, the permit should be revised to use the criteria to reduce the discharger from one corrective action level to the next lower level. This should also apply to facilities that have reached Corrective Action Level 3.</p>
Permit	pp. 38-42/ XVII B.,C.,D.,E	Corrective Actions for Level 1, 2, 3. <p>Upon the first occurrence that sampling results meet any one of the three NAL corrective action triggers set forth in Section XVII.E., the discharger shall do the following (Excerpt from B. C. is 2nd trigger, D is 3rd trigger (Imposition of NELs), and E. reiterates NAL corrective action triggers):</p>

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Permit	p. 42/ XVII. E.5.	<p>NAL Corrective Action Triggers.</p> <p>"A certification by the discharger and QSD, based upon the facility evaluation and assessment required above, that either..."</p> <p>The permit specifies PRDs, NOTs, all Annual Reports, or other information required by the General Permit (other than PRDs and NOTs) or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's Approved Signatory (Section XVII.K.). However, the permit also states that the QSD or QSP must certify the annual comprehensive facility compliance evaluation (see: Section VIII.I.) and the QSD must make a certification under the NAL Corrective Action Triggers (see: XVII.E.5.). These certification requirements appear to conflict, since the QSD/QSP is required to certify documents that Section XVII.K. requires be certified by the LRP or Approved Signatory.</p> <p>Where additional BMPs and/ or SWPPP implementation measures will be used as a corrective action, the permit requires the discharger and QSD to certify the additional BMPs and/ or SWPPP implementation measures have been identified and included in the SWPPP to meet the "Receiving Water Limitations III.2" (see: Section XVII.E.5). It would be helpful for the SWRCB to identify the technical guidance document(s) or other reference(s) that contain test results that upon which such a certification could be made (e.g., that specifies that if one BMP (e.g., increased sweeping frequency) or another BMP (e.g., filter insert) is used that a specified reduction in pollutant concentration can be achieved). Because of this, a QSD may be left with the choice of either: 1) selecting a BMP based on best professional judgment but not being able to certify it will result in meeting the receiving water limitations III.2 because there is no certainty in the pollutant removal efficiency; or 2) selecting an expensive treatment system with a known pollutant removal efficiency. Seems like this approach only leaves one viable option; that is the expensive treatment system and precludes the use of less expensive BMPs. This needs to be resolve so that the default course of action is not always treatment.</p> <p>Also, the reference to "Receiving Water Limitations III.2," could not be found in the draft permit and needs to be corrected.</p>
Permit	p. 42/ XVII. E.6.	<p>NAL Corrective Action Triggers.</p> <p>"If a certification states that no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges to meet Receiving Water Limitations III.2, the certification must show why the exceedance occurred and</p>

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	Reference	Page/Section	Comments/Support
1	Permit	p.5/ I.C.31.	<p>Activities Not Covered Under the General Permit.</p> <p>This finding correctly clarifies that facilities that are exempt pursuant to the EPA oil and gas exemption are not subject to this permit.</p> <p>We support this finding.</p>
2	Permit	p.6/ I.C.35.	<p>Activities Not Covered Under the General Permit.</p> <p>This finding states that information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States.</p> <p>We support this finding and ask that the language be revised so that it applies equally to the SWRCB and other agencies and/or other requests for information.</p>
3	Permit	p.11/ II.P.8.	<p>Obtaining Permit Coverage for Industrial Facilities – General.</p> <p>"Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted. Dischargers must electronically file the PRDs, and mail the appropriate annual fee to the State Water Board."</p> <p>We support this condition.</p>